



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2010 JUL 13 AM 10: 28

1595 WYNKOOP STREET  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

FILED  
EPA REGION VIII  
HEARING CLERK

DOCKET NO.: SDWA-08-2010-0060

IN THE MATTER OF:

TPJ INVESTORS, LLC.

Owner of Sunnyside Mobile Home Park  
Riverton, Wyoming


RESPONDENT

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)  
)  
)  
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)  
)

FINAL ORDER

Pursuant to 40 C.F.R. §22.18, of EPA's Consolidated Rules of Practice, the Consent Agreement resolving this matter is hereby approved and incorporated by reference into this Final Order. The Respondent is hereby **ORDERED** to comply with all of the terms of the Consent Agreement, effective immediately upon receipt by Respondent of this Consent Agreement and Final Order.

SO ORDERED THIS 13<sup>th</sup> DAY OF July, 2010.

  
\_\_\_\_\_  
Elyana R. Sutin  
Regional Judicial Officer

**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

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In the Matter of:

**TPJ Investors, LLC**

Owner of: Sunnyside Mobile Home Park  
Riverton, Wyoming

) **CONSENT AGREEMENT**  
)  
) Docket No. **SDWA-08-2010-0060**  
)  
) Simultaneous Commencement and  
) Conclusion of a Proceeding Pursuant to  
) Section 1414(g)(3) of the Safe Drinking  
) Water Act and 40 C.F.R. § 22.13(b).

FILED  
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HEARING CLERK

Complainant, United States Environmental Protection Agency, Region 8 (“EPA” or “Complainant”), and TPJ Investors LLC, a Wyoming Limited Liability Company, (“Respondent”) by their undersigned representatives, hereby consent and agree as follows:

**PRELIMINARY STATEMENT**

1. EPA has jurisdiction over this matter pursuant to section 1414(g)(3) of the Safe Drinking Water Act (“Act”), as amended, 42 U.S.C. § 300g-3(g)(3). The National Primary Drinking Water Regulations (“NPDWRs”) authorized by the statute are set out in 40 C.F.R. part 141, and violations of the statute, regulations, and/or EPA Administrative Orders constitute violations of the Act.
2. The rules for this proceeding are the “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders and the Revocation, Termination or Suspension of Permits (“Rules of Practice”),” 40 C.F.R. part 22, a copy of which has been provided to Respondent.
3. This Consent Agreement is entered into by the parties for the purpose of simultaneously commencing and concluding this matter, as authorized by 40 C.F.R. § 22.13(b) and executed pursuant to 40 C.F.R. § 22.18(b)(2) and (3).
4. Respondent admits the jurisdictional allegations and neither admits nor denies the factual allegations contained in this Consent Agreement.
5. Respondent waives its rights to a hearing or appeal before any tribunal, to contest any issue of law or fact set forth in this Consent Agreement.
6. Complainant asserts that settlement of this matter is in the public interest, and the parties agree that entry of this Consent Agreement without further litigation and without adjudication of any issue of fact or law, is the most appropriate means of resolving this matter at the least cost and expense to Respondent and the EPA.

7. This Consent Agreement, upon incorporation into a final order, applies to and is binding upon EPA and upon Respondent, and Respondent's officers, directors, employees, agents, successors and assigns. Any change in ownership or corporate status of Respondent including, but not limited to, any transfer of assets or real or personal property shall not alter Respondent's responsibilities under this agreement.
8. This Consent Agreement contains all terms of the settlement agreed to by the parties.

### **ALLEGATIONS**

9. TPJ Investors is a Wyoming Limited Liability Company and therefore a "person" within the meaning of section 1401(12) of the Act, 42 U.S.C. § 300f(12) and 40 C.F.R. § 141.2.
10. Respondent owned and/or operated Sunnyside Mobile Home Park ("the System") at all times relevant to this Consent Agreement. The System, which provides piped water to the public for human consumption, is located at 1206 South 8<sup>th</sup> East, Riverton (Fremont County), Wyoming.
11. The System is supplied by a groundwater source consisting of one well, is not treated, and serves approximately 25 people through at least 19 service connections year-round. The System is therefore a "public water system" within the meaning of section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a "community water system" within the meaning of 40 C.F.R. § 141.2.
12. Respondent is a "supplier of water" within the meaning of section 1401(5) of the Act, 42 U.S.C. § 300f(5) and 40 C.F.R. § 141.2.
13. Respondent is subject to Part B of the Act ("Public Water Systems") and the NPDWRs.
14. EPA issued an Administrative Order to Respondent (docket no. SDWA-08-2008-0055) on May 19, 2008 ("the May 2008 Order") requiring, inter alia, compliance with: total coliform repeat sampling requirements under 40 C.F.R. § 141.21(b); total coliform routine sampling requirements under 40 C.F.R. § 141.21(b)(5); quarterly monitoring requirements for radionuclides under 40 C.F.R. § 141.26(a); quarterly monitoring requirements for volatile organic contaminants under 40 C.F.R. § 141.24(f); monitoring requirements for pesticide/herbicide contamination under 40 C.F.R. § 141.24(h); monitoring requirements for inorganic contaminants under 40 C.F.R. § 141.23(c)(1); reporting of the analytical results of such monitoring as required by 40 C.F.R. § 141.31(a); and notice requirements set forth by 40 C.F.R. §§ 141.201, 141.202, 141.203, 141.205 and 141.31(d).
15. Respondent failed to collect a set of four repeat samples following the total coliform positive routine sample collected on August 17, 2009, in violation of the May 2008 Order and 40 C.F.R. § 141.21(b).

16. Respondent failed to collect at least five routine samples in September 2009 after a total coliform positive sample was collected on August 17, 2009, in violation of the May 2008 Order and 40 C.F.R. § 141.21(b)(5).
17. Respondent failed to monitor for and submit radionuclides sample results to EPA for the second quarter of 2008, in violation of the May 2008 Order and 40 C.F.R. §§ 141.26(a) and 141.31(a).
18. Respondent failed to monitor for and submit any sample results for volatile organic contaminants to EPA for the second quarter of 2008, in violation of the May 2008 Order and 40 C.F.R. §§ 141.24(f) and 141.31(a).
19. Respondent failed to monitor for and submit sample results for pesticide/herbicide contamination to EPA for the second quarter of 2008, in violation of the May 2008 Order and 40 C.F.R. §§ 141.24(h) and 141.31(a).
20. Respondent failed to monitor for and to submit sample results for inorganic contaminants to EPA for the second quarter of 2008, in violation of the May 2008 Order and 40 C.F.R. §§ 141.23(c)(1) and 141.31(a).
21. Respondent failed to provide EPA with a copy of Respondent's public notice of the above-mentioned violations by June 18, 2008, in violation of the May 2008 Order and 40 C.F.R. §§ 141.31(d) and 141.201, et seq.

### **TERMS AND CONDITIONS**

22. Respondent consents and agrees to pay a civil penalty in the amount of **\$3,000** in the manner described below in this paragraph:
  - a. Six monthly payments of \$500 are due in accordance with the following schedule:
    - 1<sup>st</sup> payment is due July 30, 2010
    - 2<sup>nd</sup> payment is due August 30, 2010
    - 3<sup>rd</sup> payment is due September 30, 2010
    - 4<sup>th</sup> payment is due October 30, 2010
    - 5<sup>th</sup> payment is due November 30, 2010
    - 6<sup>th</sup> and final payment is due December 30, 2010

If the due date falls on a weekend or legal federal holiday, then the due date becomes the next business day. The date the payment is made is considered to be the date processed by Mellon Bank described below. Payments received by 11:00 A.M. EST are processed on the same day, those received after 11:00 A.M. are processed on the next business day.

- b. The payment shall be made by remitting a cashier's or certified check, including the name and docket number of this case; for the amount, payable to "Treasurer, United States of America," to:

**Regular Mail:**

US Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO 63197-9000

**Federal Express, Airborne, or other commercial carrier:**

U.S. Bank  
1005 Convention Plaza  
Mail Station SL-MO-C2GL  
St. Louis, MO 63101  
Contact: Natalie Pearson  
314-418-4087

**Wire Transfers:**

Wire transfers must be sent directly to the Federal Reserve Bank in New York City with the following information:

Federal Reserve Bank of New York  
ABA = 021030004  
Account = 68010727  
SWIFT address = FRNYUS33  
33 Liberty Street  
New York, NY 10045  
Field Tag 4200 of the Fedwire message should read "D 68010727 Environmental Protection Agency"

**ACH (also known as REX or remittance express):**

Automated Clearinghouse (ACH) for receiving US currency  
PNC Bank  
808 17th Street, NW  
Washington, DC 20074  
Contact – Jesse White 301-887-6548  
ABA = 051036706  
Transaction Code 22 – checking  
Environmental Protection Agency  
Account 310006  
CTX Format

**On-line payment:**

There is now an On Line Payment Option, available through the Dept. of Treasury.  
This payment option can be accessed from the information below:

WWW.PAY.GOV  
Enter sfo 1.1 in the search field

Open form and complete required fields.

**A copy of the payment shall be sent simultaneously to:**

Shawn McCaffrey  
Environmental Protection Specialist  
U.S. EPA Region 8 (ENF-W)  
1595 Wynkoop Street  
Denver, CO 80202-1129

**and:**

Tina Artemis  
Regional Hearing Clerk (8RC)  
U.S. EPA Region 8  
1595 Wynkoop Street  
Denver, CO 80202-1129

- c. In the event payment is not received by the specified due date, the entire principal sum then unpaid shall be come due and payable without notice or demand, and interest accrues from the date of the Final Order, not the due date, at a rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717, and will continue to accrue until payment in full is received. (i.e., on the 1st late day, 30 days of interest accrues).

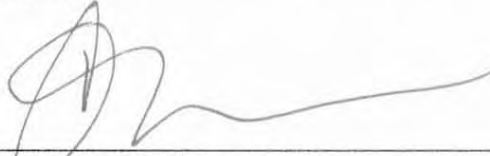
- d. In addition, a handling charge of fifteen dollars (\$15) shall be assessed the 31st day from the date of the final consent order, and each subsequent thirty day period that the debt, or any portion thereof, remains unpaid. In addition, a six percent (6%) per annum penalty shall be assessed on any unpaid principal amount if payment is not received within 90 days of the due date (i.e., the 121st day from the date the final consent order is signed). Payments are first applied to outstanding handling charges, 6% penalty interest, and late interest. The remainder is then applied to the outstanding principal amount.
  - e. Respondent agrees that the penalty shall never be claimed as a federal or other tax deduction or tax credit.
- 23. Nothing in this Consent Agreement shall relieve Respondent of its duty to comply with the Act, the NPDWRs, and the May 2008 Order.
  - 24. Failure by Respondent to comply with any of the terms of this Consent Agreement shall constitute a breach of the consent agreement and may result in referral of the matter to the Department of Justice for enforcement of this agreement and for such other relief as may be appropriate.
  - 25. Nothing in this Consent Agreement shall be construed as a waiver by the EPA or any other federal entity of its authority to seek costs or any appropriate penalty associated with any collection action instituted as a result of Respondent's failure to perform pursuant to the terms of this Consent Agreement.
  - 26. The undersigned representative of Respondent certifies that he/she is fully authorized to enter into the terms and conditions of this Consent Agreement and to bind the party he/she represents to the terms and conditions of this Consent Agreement.
  - 27. The parties agree to submit this Consent Agreement to the Regional Judicial Officer, with a request that it be incorporated into a final order.
  - 28. Each party shall bear its own costs and attorney fees in connection with this matter.
  - 29. This Consent Agreement, upon incorporation into a final order by the Regional Judicial Officer and full satisfaction by the parties, shall be a complete and full civil settlement of the specific violations alleged herein.

**UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY, REGION 8  
Complainant**

Date: \_\_\_\_\_

7/6/18

By: \_\_\_\_\_

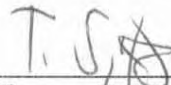


Andrew M. Gaydosh  
Assistant Regional Administrator  
Office of Enforcement, Compliance and  
Environmental Justice

Date: \_\_\_\_\_

6-29-10

By: \_\_\_\_\_

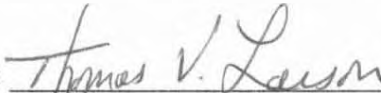


Thomas E. Sitz  
Senior Enforcement Attorney  
US EPA, Region 8 (ENF-L)  
1595 Wynkoop St.  
Denver, CO 80202-1129  
303-312-6918

**TPJ Investors, LLC, a Wyoming Limited  
Liability Company, Respondent**

Date: \_\_\_\_\_

By: \_\_\_\_\_



Thomas V. Larson  
Member, TPJ Investors, LLC  
250 Bronk Street  
Monte Vista, CO 81144  
307-851-3624



## CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT/FINAL ORDER** in the matter of **TPJ INVESTORS, LLC., OWNER OF: SUNNYSIDE MOBILE HOME PARK; DOCKET NO.: SDWA-08-2010-0060** was filed with the Regional Hearing Clerk on July 13, 2010.


Further, the undersigned certifies that a true and correct copy of the documents were delivered Thomas E. Sitz, Senior Enforcement Attorney, U. S. EPA – Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. True and correct copies of the aforementioned documents were placed in the United States mail certified/return receipt requested and e-mailed on July 13, 2010, to:

Thomas V. Larson, Member  
TPJ Investors, LLC.  
250 Bronk Street  
Monte Vista, CO 81144

E-mailed to:

Elizabeth Whitsel  
U. S. Environmental Protection Agency  
Cincinnati Finance Center  
26 W. Martin Luther King Drive (MS-0002)  
Cincinnati, Ohio 45268

July 13, 2010

  
Tina Artemis  
Paralegal/Regional Hearing Clerk

